

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KEVIN RASHAAN GOLDEN,

Plaintiff,

V.

CITY OF LONGVIEW, et al.,

Defendants.

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Case No. 6:20-cv-620-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On August 4, 2021, Judge Love issued a Report and Recommendation recommending that the Court grant Defendants’ motion to dismiss (Docket No. 31) as to Plaintiff’s ADA, HIPAA, and Texas Medical Records Privacy Act (“TMRPA”) claims against Defendants Rolin McPhee, Chi Ping Stephen Ha, Keith Covington, Mary Ann Miller, Robin Edwards, and Dwayne Archer (collectively the “Individual Defendants”), dismissing those claims with prejudice. Judge Love also recommended that the Court dismiss Plaintiff’s § 1983 claims against the Individual Defendants and Defendant the City of Longview with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Docket No. 41. The Report was mailed to Plaintiff, but no objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and

Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 41) as the findings of this Court. Defendants’ motion to dismiss (Docket No. 31) is **GRANTED** as to Plaintiff’s ADA, HIPAA, and TMRPA claims against the Individual Defendants, and the Court **DISMISSES** those claims with prejudice. Further, the Court **DISMISSES** Plaintiff’s § 1983 claims against all Defendants with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Because all pending claims against the Individual Defendants have been dismissed, it is **ORDERED** that the Individual Defendants are

DISMISSED from the case. Plaintiff's ADA claims against the City of Longview will proceed.

Also pending is an earlier motion to dismiss by Defendants. Docket No. 18. Because Plaintiff amended his complaint subsequent to that motion, the Court **DENIES** the motion to dismiss as moot.

So **ORDERED** and **SIGNED** this **26th** day of **August, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE